

ARGUMENTS/REMARKS

Reconsideration and withdrawal of the outstanding rejections are respectfully requested in view of the following remarks.

SUMMARY AND STATUS OF AMENDMENTS

In the present amendment, claims 146 and 163 have been amended to correct errors of a typographical nature. By this amendment, claims 164-167 have been added and substantially correspond to independent claims 141, 153, 159 and 163, respectively. Support for the new claims 164-167 is provided in at least page 2, lines 18-19; page 27, lines 11-17 and Figs. 18 to 26, as will be discussed below. No new matter is added. Claims 141-167 are presently pending.

INFORMATION DISCLOSURE STATEMENTS

Applicants filed Information Disclosure Statements (IDS) on May 28, 2004, May 2, 2005 and November 18, 2005, but have not yet received initialed copies thereof. Applicants respectfully request the Examiner to confirm consideration of each IDS by returning initialed copies of the Form 1449 submitted therein.

Additionally, Applicants are submitting herewith an additional supplemental IDS with a Form PTO-1449. The Examiner is respectfully requested to indicate consideration of the supplemental IDS by returning an initialed copy of the Form PTO 1449 with the next communication.

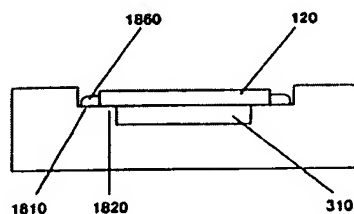
RESPONSE TO REJECTIONS UNDER 35 U.S.C. §112, FIRST PARAGRAPH

Rejection for lack of written description

Claims 141-163 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The rejection asserts that the application has not provided any teaching in the disclosure that would place the probe material on the side of the chip such that the material faces into the closed cavity or cell while the array surface also seals the cavity or cell. Applicants respectfully traverse this rejection.

Applicants note that the rejection refers to Figures 27a and 27b. However, Applicants respectfully direct the Examiner's attention to the embodiments shown in Figures 18 through 26 and Figures 31 to 35, which provide adequate description of the claimed subject matter. Figures 18 through 22 illustrate attachment of a substrate to a packaging device and Figures 23 through 26 illustrate an embodiment for sealing a cavity of a package with a substrate for fluid retention. Additionally, Figures 31 to 35 illustrate a detailed chip packaging device.

The specification discloses a substrate which seals the package cavity. For example, Figure 18 shows a chip or substrate 120 which is mounted above the package cavity (310), allowing the cavity to be sealed. For the Examiner's convenience, a picture of Figure 18 is shown below.



In particular, the disclosure teaches that two concentric ledges 1810 and 1820 surround the perimeter of cavity 310 in Figure 18. Ledge 1820 supports the chip 120 when mounted above cavity 310. Ledge 1820, which extends beyond chip 120, receives an adhesive 1860 such as ultraviolet cured silicone, cement, or other adhesives for attaching the chip thereto. Page 24, lines 16-20. Accordingly, one of ordinary skill in the art would necessarily recognize that the substrate seals the package cavity.

Additionally, the specification describes a method and device for packaging a substrate having an array of probes fabricated on its surface. Page 2, lines 18-19. The array of probes are surface-immobilized molecules which are recognized by a particular target. Page 5, lines 31-32. A fluid containing a particular target is placed into the cavity in the package which hybridizes with probes on the substrate. Page 28, lines 1-2. The fluid containing the targets are flowed into the cavity through inlets and outlets. Page 21 to page 26, line 17. As such, one of ordinary skill in the art would recognize that the array of probes necessarily are located on the surface of the substrate which faces the cavity, thereby allowing the probe and target molecules to contact one another. Therefore, Applicants' originally filed application provides support for placing the probe material on the side of the chip such that the material faces into the closed cavity or cell while the array surface also seals the cavity or cell. Accordingly, the written description rejection of claims 141-163 under 35 U.S.C §112, first paragraph, should be withdrawn.

Moreover, solely to advance the prosecution and without expressing agreement or acquiescence with the rejection, Applicants have added new claims 164-167 to recite a substrate which covers open ends in test sample wells of a microtiter plate to form a plurality of closed cells. To the extent the Examiner asserts that the specification does not provide *ipsis verbis* support for the location of the array of probes on the substrate relative to the closed cell, the

specification does teach that fluids containing target molecules are placed into a package to hybridize with an array of probes.

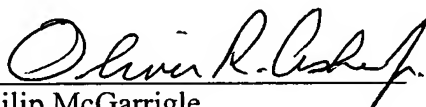
CONCLUSION

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejection of record, and allow all the pending claims.

If the examiner has any questions or wishes to further discuss this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number. The U.S. Patent and Trademark Office is hereby authorized to credit any overpayment or charge any additional fee to Affymetrix, Inc.'s Deposit Account No. 01-0431 or, alternatively, to Greenblum & Bernstein's Deposit Account No. 19-0089.

Respectfully submitted,
AFFYMETRIX, INC.

Date: 1/30/06

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